

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

In Re: 3:12-MC-00251-BR
(Bankruptcy Case No.
11-30022-tmb11)
**OREGON CONTRACTORS WORKERS'
COMPENSATION TRUST, INC.,** **ORDER**
Debtor.

BROWN, Judge.

United States Bankruptcy Judge Trish M. Brown issued a Report and Recommendation (#1) to the District Court Re: Plaintiff Oregon Contractors Workers' Compensation Trust, Inc.'s Motion for Summary Judgment Against Defendants AFP Systems, Inc., *et al.*, on July 11, 2012, in which she recommends the Court grant the Motion for Summary Judgment of the Trust and deny the Cross-Motion for Summary Judgment of Defendants Modoc Contracting Company; Keeton-King Construction, Inc., and Keeton King General Contractors, LLC (collectively Keeton-King); Diversified

Contractors, Inc.; AFP Systems, Inc.; Natural Structures, Inc., fka West Slope Enterprises (Natural Structures); Cedar Landscape, Inc.; Diamond Home Hardware and Garden, LLC; and Preference Swimming Pools and Spas, Sales, and Service, LLC. The parties did not file Objections to the Report and Recommendation.

The matter is now before this Court pursuant to 28 U.S.C. § 157(c)(1).

The district court is required "to review *de novo* . . . any matters that are 'related to' the bankruptcy proceedings" within the meaning of 28 U.S.C. § 157(c)(1). *Stern v. Marshall*, 131 S. Ct. 2594, 2620 (2011). The Court has reviewed the pertinent portions of the record *de novo* and does not find any error in the Bankruptcy Judge's Report and Recommendation.

CONCLUSION

The Court **ADOPTS** Bankruptcy Judge Trish M. Brown's Report and Recommendation (#1) and, accordingly, **GRANTS** the Trust's Motion for Summary Judgment against the following Defendants in the following amounts:

<u>Defendant</u>	<u>Amount</u>
AFP Systems, Inc.	\$ 25,352.47
All State Construction, Inc.	\$ 12,392.82
All State Trucking, Inc.	\$ 5,222.05
C & M Construction, Inc.	\$ 5,277.56
C&M Crushing & Recycling LLC	\$ 1,225.07
Cedar Landscape, Inc.	\$ 21,054.51
Constructor Services, Inc.	\$ 7,815.42

Dennis' Seven Dees Landscaping, Inc.	\$ 20,813.85
Diamond Home Hardware and Garden, LLC	\$ 30,750.75
Diversified Contractors, Inc.	\$ 60,345.38
Interstate Crane Rental, Inc.	\$ 17,886.70
J. V. Northwest, Inc.	\$ 20,344.95
JAL Construction, Inc.	\$ 40,755.79
Jerry Sievert Construction, Inc.	\$ 1,157.85
Juniper Enterprises, Inc.	\$ 26,525.74
K I Construction LLC	\$ 17,371.89
Keeton King General Contractors LLC	\$ 2,594.01
Keeton-King Construction, Inc.	\$ 67,969.78
Kemper Drywall Inc	\$ 55,783.20
Kirby Nagelhout Construction Co.	\$ 104,267.08
Modoc Contracting Company	\$ 6,960.06
Natural Structures Inc. fka West Slope Enterprises Incorporated	\$ 31,564.51
Preference Swimming Pools and Spas, Sales and Service, L.L.C.	\$ 2,198.99
Restoration Oregon, Inc. successor in interest by merger with All Phase Restoration, Inc.	\$ 10,143.33
Shevlin Sand and Gravel, LLC	\$ 11,926.82

The Court **DENIES** the Cross-Motion for Summary Judgment of Defendants Modoc, Keeton-King, Diversified, AFP, Natural Structures, Cedar Landscape, Diamond Home, and Preference.

IT IS SO ORDERED.

DATED this 10th day of August, 2012.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge